

PTO/SB/21 (05-03)

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|--|----------------------|------------------------|----------|
| <b>TRANSMITTAL FORM</b><br><i>(to be used for all correspondence after initial filing)</i> | Application Number   | 10/722,570             |          |
|  | Filing Date          | November 28, 2003      |          |
|  | First Named Inventor | Todd A. Simpson        |          |
|  | Art Unit             |                        |          |
|  | Examiner Name        |                        |          |
| Total Number of Pages in This Submission   |                      | Attorney Docket Number | 9351-287 |

| ENCLOSURES (check all that apply)  |   |   |         |  |
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| <input type="checkbox"/> Fee Transmittal Form<br><br><input type="checkbox"/> Fee Attached<br><br><input type="checkbox"/> Amendment / Response<br><br><input type="checkbox"/> After Final<br><br><input type="checkbox"/> Affidavits/declaration(s)<br><br><input type="checkbox"/> Extension of Time Request<br><br><input type="checkbox"/> Express Abandonment Request<br><br><input checked="" type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)<br><br><input type="checkbox"/> Drawing(s)<br><br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition<br><br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><br><input type="checkbox"/> Terminal Disclaimer<br><br><input type="checkbox"/> Request for Refund<br><br><input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance Communication to Group<br><br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><br><input type="checkbox"/> Proprietary Information<br><br><input type="checkbox"/> Status Letter<br><br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br><br><b>Acknowledgement postcard<br/>Cited foreign documents and<br/>publication<br/>Letter</b> |         |  |
| <table border="1"><tr><td>Remarks</td><td></td></tr></table>   |   |   | Remarks |  |
| Remarks  |   |   |         |  |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |
|--|---|
| Firm or Individual name                    | BERESKIN & PARR, Ian C. McMillan, Registration No. 43,390 |
| Signature                                  |   |
| Date                                       | January 13, 2004  |

| CERTIFICATE OF MAILING  |  |      |  |
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January 13, 2004



Ian C. McMillan B.Sc. (Math & Eng.), LL.B., LL.M.  
416 957 1644 imcmillan@bereskinparr.com

Your Reference: 10/722,570  
Our Reference: 9351-287

## INFORMATION DISCLOSURE STATEMENT

The Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia  
U.S.A 22313-1450

Dear Sir:

**Re: United States Patent Application No. 10/722,570**  
**Title: METHOD OF OPERATING A FUEL CELL POWER**  
**SYSTEM TO DELIVER CONSTANT POWER**  
**Filed: November 28, 2003**  
**Applicants: Todd A. Simpson, Stephen Burany and Joseph Cargnelli**

In accordance with 37 CFR 1.56 and 1.97, subject to the waiver of the requirements of 37 CFR 1.98(a)(2)(i) provided by the United States Patent and Trademark Office Notice dated August 5, 2003, applicant hereby submits an Information Disclosure Statement including (1) a listing, on PTO form 1449, all patents and other publications of which the applicant is aware that may be considered material to the patentability of its claimed invention, and (2) a copy of the listed foreign patent documents and publications.

Please have these documents recorded against the above-mentioned application.

Respectfully submitted,

Ian C. McMillan  
Registration No. 43,390

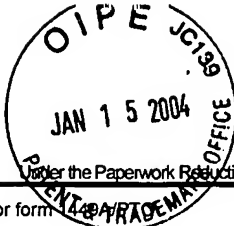
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Waterloo Technology Campus, 408 Albert St., Ste. 2,  
Waterloo, Ontario, Canada N2L 3V3  
Tel: 519.783.3210 Fax: 519.783.3211



Substitute for form

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 2

Complete if Known

|                        |                   |
|------------------------|-------------------|
| Application Number     | 10/722,570        |
| Filing Date            | November 28, 2003 |
| First Named Inventor   | Todd A. Simpson   |
| Art Unit               |                   |
| Examiner Name          |                   |
| Attorney Docket Number | 9351-287          |

### U.S. PATENT DOCUMENTS

| Examiner Initials * | Cite No. <sup>1</sup> | Document Number                            | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|---------------------|-----------------------|--|--------------------------------|---|---|
|                     |                       | Number - Kind Code <sup>2</sup> (if known) |                                |   |   |
|                     | 1                     | US- 5,786,104                              | 07-28-1998                     | Black et al.                                    |   |
|                     | 2                     | US- 5,996,976                              | 12-07-1999                     | Murphy et al.                                   |   |
|                     | 3                     | US- 6,013,385                              | 01-11-2000                     | DuBose  |   |
|                     | 4                     | US- 6,117,577                              | 09-12-2000                     | Wilson  |   |
|                     | 5                     | US- 6,329,090                              | 12-11-2001                     | McElroy et al.                                  |   |
|                     | 6                     | US- 2001/0004500                           | 06-21-2001                     | Grasso et al.                                   |   |
|                     | 7                     | US- 2001/0012575                           | 08-09-2001                     | Katagiri et al.                                 |   |
|                     | 8                     | US- 2002/0006537                           | 01-17-2002                     | Kobayashi et al.                                |   |
|                     | 9                     | US- 2002/0015867                           | 02-07-2002                     | Cargnelli et al.                                |   |
|                     | 10                    | US- 2002/0022167                           | 02-21-2002                     | Herron  |   |
|                     | 11                    | US- 2003/0031906                           | 02-13-2003                     | Cargnelli et al.                                |   |
|                     |                       | US-  |                                |   |   |
|                     |                       | US-  |                                |   |   |
|                     |                       | US-  |                                |   |   |
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|                     |                       | US-  |                                |   |   |
|                     |                       | US-  |                                |   |   |
|                     |                       | US-  |                                |   |   |

### FOREIGN PATENT DOCUMENTS

| Examiner Initials * | Cite No. <sup>1</sup> | Foreign Patent Document   | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T <sup>6</sup> |
|---------------------|-----------------------|---|--------------------------------|---|---|----------------|
|                     |                       | Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known) |                                |   |   |                |
|                     | 12                    | WO 01/97311   | 12-20-2001                     | Hydrogenics Corporation                         |   |                |
|                     | 13                    | WO 02/11224   | 02-07-2002                     | Hydrogenics Corporation                         |   |                |
|                     |                       |   |                                |   |   |                |
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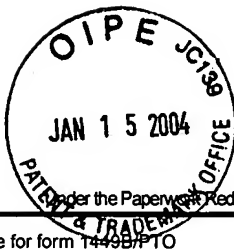
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STATEMENT BY APPLICANT**

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Sheet 2 of 2

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| First Named Inventor   | Todd A. Simpson   |
| Art Unit               |                   |
| Examiner Name          |                   |
| Attorney Docket Number | 9351-287          |

**NON PATENT LITERATURE DOCUMENTS**

| Examiner<br>Initials * | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
|------------------------|--------------------------|---|----------------|
|                        | 14                       | STEPHEN GURSKI and DOUGLAS J. NELSON, Design and Integration Challenges For a Fuel Cell Hybrid Electric Sport Utility Vehicle, SAE 2002 World Congress, Detroit, Michigan, March 4-7, 2002  |                |
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Examiner  
SignatureDate  
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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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